

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

DAVID LANE JOHNSON,

Plaintiff,

v.

NATIONAL FOOTBALL LEAGUE  
PLAYERS ASSOCIATION, ET AL.,

Defendants.

Civil Action No. 1:17-cv-05131-RJS

**DECLARATION OF STEPHEN M. SAXON**

I, STEPHEN M. SAXON, declare as follows:

1. I am a principal at the Groom Law Group in Washington, D.C. I am counsel to Defendant National Football League Players Association (“NFLPA”) in connection with labor-related matters. I submit this declaration in support of the NFLPA’s Motion for Summary Judgment. If called upon to do so, I will testify competently to the facts set forth herein.

2. In late 2016/early 2017, the NFLPA asked me to review and identify documents that could be subject to disclosure under the Labor-Management Reporting and Disclosure Act, 29 U.S.C. § 401, *et seq.* (“LMRDA”) with respect to the 2015 NFL-NFLPA Collective Bargaining Agreement (“2015 CBA”).

3. The NFLPA’s October 16, 2018 production to Plaintiff David Lane Johnson consists of a subset of the identified documents that I had reviewed, specifically, those documents relating to the 2015 Performance-Enhancing Substances Policy (“2015 Policy”).

4. The October 16<sup>th</sup> production consists of the following documents:

- A complete copy of the 2015 Policy;
- Letter dated April 22, 2013 from Dennis Curran to Tom DePaso memorializing the NFL and NFLPA's agreement that all NFL players and prospective players shall be required to execute medical record authorization forms as part of each player's pre-employment physical examination;
- Letter dated May 7, 2015 from Adolpho Birch to Tom DePaso modifying the 2014 Policy on Performance-Enhancing Substances to provide that the Directors of the UCLA Olympic Analytical Laboratory and the Sports Medicine Research and Testing Laboratory may fulfill the responsibilities of the Chief Forensic Toxicologist ("CFT"); and
- Screen shots of player certifications regarding drug testing.

See Oct. 16, 2018 Email from D. Greenspan to S. Zashin with attachments, attached as Exhibits A-1 through A-8 to the Declaration of David L. Greenspan submitted herewith.

5. I am not aware of—and do not believe that there are—any other documents relating to the 2015 Policy that Mr. Johnson has not received that the NFLPA would be required to produce even if Mr. Johnson were to prevail on his LMRDA claim. For example, I am not aware of any—and understand there is no—side agreement relating to the bargaining parties' interpretation of the timeline for reasonable-cause testing, as Mr. Johnson has alleged.

I declare under penalty of perjury that the foregoing is true and correct to the best of my recollection and knowledge.

Executed on November 8, 2018.

  
STEPHEN M. SAXON